

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LINDA McKINLEY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:05CV182 HEA
)	
WAL-MART STORES, INC.,)	
)	
Defendant.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on Defendant's Motion to Remand, [#10], which was filed on January 11, 2006. For the reasons set forth below, Defendant's motion will be granted.

This action was removed to this Court from the Circuit Court of Cape Girardeau County, Missouri based on diversity of citizenship pursuant to 28 U.S.C § 1332. Since the removal of this matter, however, the parties have discovered that the amount in controversy is less than the jurisdictional prerequisite of \$75,000. Both Plaintiff and Defendant have filed a Stipulation to Remand and have agreed to a remittitur of any amount awarded in excess of \$75,000, exclusive of interests and costs. Therefore, remand to the Circuit Court of Cape Girardeau County, Missouri is appropriate.

Accordingly,

IT IS HEREBY ORDERED that Defendants' Motion to Remand, [#11], is

granted;

IT IS FURTHER ORDERED that this cause be remanded to the Circuit Court of Cape Girardeau County, Missouri.

Dated this 17th day of January, 2006.

A handwritten signature in cursive script, reading "Henry Edward Autrey", with a long horizontal flourish extending to the right.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE